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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,560	05/29/2001	Giorgio Gabbrielli	34663/GM/ch	4004

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EXAMINER

SALVATORE, LYNDIA

ART UNIT

PAPER NUMBER

1771

3

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,560	Applicant(s) GABBRIELLI, GIORGIO	
	Examiner Lynda M Salvatore	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, Paper No. 3, has been entered as requested. Claims 15-21 have been added as requested.

Election/Restrictions

2. Applicant's election without traverse of claims 12-14 and added claims 15-21 in Paper No. 3 is acknowledged.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 19 is indefinite because it is unclear to the Examiner if the fabric is made from cotton, linen and aramid fibers or if the fibers making up the fabric are selected from the group consisting of cotton, linen and aramid fibers. For purposes of examination this claim will be construed as a blend of cotton, linen and aramid fibers.

6. Claim 21 is indefinite because it is unclear to the Examiner what the osmotic membrane is bonded to. In other words, the layering orientation of the fabric-elastomer sandwich further comprising the osmotic membrane is not understood. Is the osmotic membrane bonded to the fabric or the elastomer? For purposes of examination this claim will be construed as a composite

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having an additional osmotic membrane regardless of orientation within the fabric-elastomer sandwich.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 12,13,15,16,18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Widdemer US 5,511,248.

The patent issued to Widdemer teaches a anti-slip glove comprising a three layer sandwich composite (Column 5, 29-33). The individual components making up the three layer sandwich composite include a polymeric film, a backing material, and an anti-slip pattern disposed on the backing material (Column 5, 30-35 and Figure 3). The polymeric film layer is made from a thermoplastic polyurethane film (Column 5, 35-37). The polymeric film layer is bonded to the backing material substrate with the application of heat and pressure, which would inherently cause the film to penetrate and flow through the backing material (Column 5, 54-60). Suitable backing materials polyester, nylon, or Lycra knitted fabric (Column 5, 49-53). The anti-slip pattern disposed the backing material opposite side of the polymeric film layer may be formed from vinyl or rubbers, which are embossed or affixed to the surface of the backing material (Column 6, 14-22). Embossing these materials would also inherently cause the

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elastomeric material to penetrate and flow through the fabric especially when a knitted fabric is employed.

9. Claims 12,14,15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumura et al., US 5,055,340

The patent issued to Matsumura et al., teaches a grip tape comprising a non-woven layer having a first coating of a synthetic elastic layer applied on the upper surface and an elastic foam expanded layer applied on the rear surface (Abstract). Matsumura et al., teaches providing the grip tape with a number of projections on both the upper and rear surfaces in various patterns as shown in figures 1-4. Matsumura et al., teaches printing the resin in a selected pattern to form the projections on the upper surface (Column 2, 34-40 and 42-48). Matsumura et al., further teaches that the upper surface may be embossed, which would inherently cause the elastomeric material to penetrate and flow through the non-woven substrate (Column 1, 65-Column 2, 2). Suitable synthetic resins include urethane, acrylate and silicone (Column 2, 3-7).

With specific regard to claim 14, Matsumura et al., does not explicitly teach embossing the rear surface to form the projections, but does disclose that the polyurethane elastic foam layer can be formed by coating or printing using a screen, which would inherently produce the pattern of projections shown in figures 7 and 8 (Column 2, 55-60).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widdemer US 5,511,248 and Matsumura et al., US 5,055,340.

Widdemer and Matsumura et al., do not expressly disclose the separate elastomeric regions having a thickness value of 2mm, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the thickness of the separate elastomeric regions as a function of intended use. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widdemer US 5,511,248 as applied to claim 12 above, and further in view of Cueman et al., US 5,738,639.

Widdemer does not expressly teach the fiber blend set forth in claim 19, however, the patent issued to Cueman et al., teaches an orthopedic casting material comprising a fabric substrate (Column 3, 20-25). The knitted fabric substrate may consist of mixtures of aramid, cotton and linen fibers (Column 3, 49-60). Blends of such fibers typically impart breathability, soft hand feel, pleasing aesthetics and strength. Therefore, motivated to provide a fabric with having breathability, pleasing aesthetics and sufficient durability, as it would have been obvious to one having ordinary skill in the art at the time the invention was made to knit the fabric structure of Widdemer with the mixture of fibers taught by Cueman et al.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widdemer US 5,511,248 as applied to claim 12 above, and further in view of Lim et al., US

Widdemer fails to teach a anti-slip glove further comprising a breathable impermeable film layer. However, gloves typically benefit from being liquid impervious yet breathable to

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enable wearer comfort. To that end, the patent issued to Lim et al., teaches laminating a moisture vapor permeable, liquid impermeable film layer to the surface of a non-woven web (Column 3, 39-45). Therefore, motivated by the expectation of providing an anti-slip glove which is breathable and impermeable to liquids it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the moisture vapor permeable, liquid impermeable film layer taught by Lim et al., in the composite of Widdemer.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls
April 21, 2003


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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